

**APPROVED MINUTES**  
**BROOKFIELD INLAND WETLANDS COMMISSION**  
**Monday, December 8, 2014 – 7:00 p.m.**  
**TOWN HALL MEETING ROOM #133**

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**1. Convene Meeting**

Chairperson S. Fox convened the meeting at 7:00 p.m. and established a quorum of members.

**2. Roll Call and Designation of Alternates**

**Present:** Chairperson S. Fox, Vice Chairman M. Forlenza, R. Huttemann, M. Kukuk, Alternate and Voting Member J. Bronn

**Absent:** Secretary M. Mulvaney

**Also Present:** Wetlands Enforcement Officer K. Daniel, Recording Secretary D. Cioffi

**3. Wetlands Enforcement**

WEO Daniel explained the process of livestreaming meetings on the Earth Channel program. She noted Earth Channel's ability to include attachments and to pinpoint topics of interest during a meeting.

**a. Enforcement Officer's Report**

**1. 40 Laurel Hill Rd #201401141: Notice of Violation** – WEO Daniel indicated that M. Morin of the Northwest Conservation District has been doing erosion and sediment control monitoring of this site since the start of construction. Some of the problems have related noncompliance with the requirement of performing repairs within twenty-four hours of notice. The current issues have been on the reports for three weeks and include silt fence failures and tracking pad issues.

*J. Treschitta, Dakota Partners, was present.* He discussed the size of the project and the applicant's attempts to maintain erosion controls as quickly as it can. He advised he received the Notice to appear at tonight's meeting on Friday. He shared photographs he took that day, and stated that the applicant has attempted to refresh the tracking pad and install hay bales during the work on the water main and gas line. He indicated that certain deliveries have involved trucks that are too big for the tracking pad. He further advised that a street sweeper comes through the area almost on a daily basis.

Chairperson Fox noted that the reports are submitted to the applicant on a timely basis, and the Commission's expectation is that the repairs will be done in a likewise fashion. WEO Daniel advised that M. Morin's reports also go to the subcontractor, Advanced Excavating. She inquired if there was something impeding the subcontractor's ability to repair relatively minor problems. *B. Noble, Advanced Excavating, was present.* He explained that the problem relates to the small work area. WEO Daniel stated that the area at issue is not near where the current work is being done. Mr. Noble stated that every day he has been working on putting hay on the road and keeping the tracking pad fresh. WEO Daniel pointed out that the goal is to prevent sediment from leaking from the site.

*M. Gartman, Estimator, Advanced Excavating, was present.* He inquired specifically what WEO Daniel is seeking, and she responded that she wants the erosion and sediment control repaired when necessary, so that it can withstand snow and melting. Mr. Noble discussed issues with the property owner involving non-payment for work. WEO Daniel reiterated that the monitor's recommendations in his reports must be followed. Mr. Noble advised he would meet with the property owner about what needs to be done to keep the site in compliance over the winter months. Mr. Gartman assured the Commission that the site would be kept in compliance and that further enforcement would not be necessary. Chairperson Fox explained that WEO Daniel will continue to get reports from Mr. Morin on Thursdays and she will share it with the applicant and its representatives on Fridays.

**No motion.**

**2. 148 North Lake Shore Drive #201401091**

WEO Daniel said Mr. Pastor advised would provide an application prior to today, but he has not. WEO Daniel will call him and request that he do so by the next meeting.

**No motion.**

**3. 136 Grays Bridge Road #201400652**

WEO Daniel has not heard anything from the Town Attorney who is working with the property owner and the Town to resolve this issue.

#### Miscellaneous

Chairperson Fox reviewed information from the Municipal Wetlands Training Program regarding who is subject to wetlands enforcement action. Per the Department of Energy & Environmental Protection, any “person” subject to enforcement could be the owner, a contractor, a tenant/lessee, or any person who takes part in violation of a wetlands statute.

#### **b. Site Inspection Reports**

##### **40 & 64 Laurel Hill Road**

- Letter from M. Morin of the Northwest Conservation District dated 11/25/14
- Letter from M. Morin of the Northwest Conservation District dated 12/04/14

See discussion above.

#### **4. Old Business:**

##### **a. Still River Greenway #201400000: Phase Two – Approval Stipulation #6**

- Copy of Inland Wetlands Commission Approval Letter, dated 01/28/14

Chairperson Fox referred to the December 3, 2014 Special Meeting Minutes, related to this matter. Commissioner Kukuk noted the discussion regarding the animal crossing, and Chairperson Fox reviewed the map approved on January 27, 2014.

*D. DiPinto, Director of Parks & Recreation, was present.* Chairperson Fox stated that the Commission must review the stipulation, make any modifications, and request the applicant to submit a map that reflects this. It was noted that Stipulation 6 relates to vernal pool on south side. The Commission can: require subterranean pipe crossings, or a raised elevated timber boardwalk, or eliminate the previous condition and have crossings.

Commissioner Kukuk indicated that she is in favor of having on-grade paving, as it lessens the disturbance, and will allow the animals to cross at night. Commissioner Huttemann and Vice Chairman Forlenza agreed. Vice Chairman Forlenza reviewed the discussion from the consultants’ presentation. Commissioner Huttemann noted that the consultants stated that the level paving would be most beneficial.

Chairperson Fox expressed her disappointment that the Town was unable to provide the raised boardwalk. She noted that Public Act 2004, #209, does not give the Inland Wetlands Commission the authority to protect the animals in the upland review area. She stated that the best available alternative is to keep the crossing at grade and eliminate viewing/rest area on the January 2014 plan

**Vice Chairman Forlenza moved, on the matter of the Still River Greenway, #201400000, Phase Two, with respect to the Approval Stipulation #6, to eliminate that condition, and change it to the following: Subpavement/subterranean pipe crossings, or raised/elevated timber boardwalks will no longer be required in the Plan Area Vernal Pools 1, 2, 3, 4, and in its place, the amphibian migration crossings, will be done at grade across the ten-foot path. In addition, the revised plan showing this change should be submitted to the Inland Wetlands Commission within three months of this approval. Thirdly, the rest area that was shown on the 11/24/14 plans will be eliminated, and this should be incorporated in the revised plans. Lastly, there will be no signs. Commissioner Kukuk seconded the motion. Mr. Bronn referenced the Draft Minutes of the December 3, 2014 Meeting, Page 2, first paragraph, first sentence: “The rest area was discussed, and Mr. Lenahan clarified that the rest area near this vernal pool has since been removed from the plan.” Vice Chairman Forlenza noted that the portion of his motion related to the rest area is to clarify this, as the rest area is on the January plan, and the Commission wishes to make it clear that it will be removed. Commissioner Kukuk inquired regarding the monitoring of the site, and Vice Chairman Forlenza stated that this motion relates only to Approval Stipulation #6. Commissioner Bronn noted the clear intent of the discussion in the Draft Minutes of the December 3, 2014, noting that a walkway would add \$50,000 to the cost of the project. Vice Chairman Forlenza reiterated**

Chairperson Fox's statement in the discussion prior to this motion, that the Commission does not have the authority to request such a walkway, as that option does not affect the walkway. Such an option would have to have been offered by the applicant. Motion carried unanimously.

**b. Bonding for Buffered Areas on Candlewood Lake/First Light Property**

Chairperson Fox indicated she has not had a response to her email. **Continue to December 22, 2014 meeting.**

**c. 36 North Mountain Road #201400591: Proposed 12-lot residential affordable subdivision (Mountain Road Hollow) with associated road and utilities**

*(dec date: 12/14/14)*

*Commissioner Bronn attended only one meeting regarding this application, so he will abstain from voting on this matter.* Chairperson Fox encouraged him to listen to the recording from meetings for future applications.

It was noted that WEO Daniel wrote up the Draft Resolution of Approval. Each stipulation was reviewed, and portions of Stipulation 4 and 5 were removed. "A 75% survival rate" was added to the end of Stipulation 6. Additionally, another stipulation was added to address maintenance by the Association. There was discussion regarding the size of the pipe.

**Commissioner Kukk moved to approve the application Item 4.c., #201400591, Proposed 12-lot residential affordable subdivision (Mountain Hollow Road) with associated road and utilities, with a Draft Resolution of Approval, submitted with the Minutes, which reads as follows: Per a plan set prepared by CCA Engineering, Project Number 03597, dated 7-10-14 revised 10-22-14, except for Sheet C2, revised 11-7-14.**

[After considering all relevant factors including the existence of habitat suitable for state listed species, this Commission determines that there will be minimal adverse environmental impact on the wetlands or watercourses through increased storm water runoff and placement of a bridge. These impacts will be mitigated by adequate erosion and sediment controls and by infiltration of roof runoff on each individual lot and adequate mitigation of storm water runoff from the road through detention basins planted with native wetlands species.]

The approval is contingent on the following conditions:

1. Completion of the restoration plan for previous violation (#2014 ....) before commencing any work on this permit.
2. Revised sheets will be submitted within one month reflecting on all sheets the changes made to Sheet C2 showing the storm water conveyance for lots served by the common driveway and the extension of the berm isolating the forbay in the detention basin.
3. Construction sequence found on page D1 will be followed including notification of the Wetland Enforcement Officer before commencing any work. The sequence will be modified to install the bridge before any additional clearing.
4. The detention basin will first function as a temporary sediment trap and a method for allowing only clean storm water to exit the basin.
5. After construction of the detention basin and road, the contractor, the WEO, and the Town's Agent will evaluate the need for additional velocity and erosion protection.
6. A planting bond for the estimated cost of the wetland plantings will be submitted within one month of this approval. The bond must be paid before any work may commence and will be held for three growing seasons after planting has been completed, with a 75% survival rate.
7. A monitor will be selected by the Inland Wetlands Commission and compensated at the expense of the applicant. The monitor will be responsible for inspecting the site as directed by the Commission, and for reporting to the Commission on a weekly basis during active construction and within 24 hours of rainfall of 0.5" or greater.

8. Before any construction begins the applicant will provide the IWC with a land covenant and Entity responsible for maintenance and any required improvements, care or upkeep of the detention basin and wetlands crossing.

Vice Chairman Forlenza seconded the motion, and it carried, 4-0-1, with Commissioner Bronn abstaining.

5. New Business: None.

6. Tabled Items: None.

7. Correspondence:

- a. Minutes of Other Boards & Commissions: 11/20/14 Aquifer Protection Agency; 11/20/14 Zoning; 12/04/14 Planning
- b. Email from J. Adams of Northeast Utilities to K. Daniel dated 12/01/14 Re: CL&P Work in Brookfield
  - CL&P Agreement: Exhibit D – Elevations based on CL&P Datum for Dairy Farms Estates Pond Weir Section and Elevations, dated 05/15/02
  - Inland Wetland Aerial: Transmission Structure Stabilization

Noted.

8. Review Minutes of Previous Meetings: 11/24/14 – Commissioner Huttemann moved to approve the Minutes of the November 24, 2014 meeting. Vice Chairman Forlenza seconded the motion, and it carried, 4-0-1, with Commissioner Kukuk abstaining.

The Commission requested that the Review of the Minutes of the December 3, 2014 Special Meeting be put on the agenda for the December 22, 2014 meeting.

9. Informal Discussion: Chairperson Fox advised that she sent a note to the CT Inland Wetlands Soil Scientists to inquire regarding the group's assistance with vernal pools on Town property.

Vice Chairman Forlenza stated that he feels it is appropriate to share proposed conditions of approval with the applicant. He believes this will prevent the Commission from requesting something that is not possible, and it reduces the opportunity for appeal. He noted that the City of Stamford allows applicants to draft conditions of approval. Chairperson Fox advised that any of the Commissioners are welcome to draft approval stipulations, or to request WEO Daniel to do so.

10. Adjourn:

Commissioner Huttemann moved to adjourn the meeting at 8:08 p.m. Commissioner Kukuk seconded the motion, and it carried unanimously.

\*\*\*Next regular meeting scheduled for December 22, 2014\*\*\*